

REMARKS/ARGUMENTS

The specification has been amended to correct a minor typographical error. This Amendment after Final is enclosed with a Request for Continued Examination under 37 CFR § 1.114. No new matter has been added by this Amendment. Reconsideration of this Application and entry of this Amendment after Final are respectfully requested. In view of the amendments and following remarks, favorable consideration and allowance of the application is respectfully requested.

Status of the Claims

Claims 1, 3 and 5 are currently amended. Claims 2 and 4 have been canceled. Claims 9-12 are new. With entry of this Amendment, claims 1, 3, 5-12 are pending in the application.

35 U.S.C. §102 Rejections

Claims 1, 4, 7, and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Mueller Jr. Applicant respectfully traverses this rejection because Mueller fails to teach all the elements of the claims including the process steps in the order now required in claim 1. Mueller teaches only “pulling” on one of the tubular elements before a bond or joint has been created. Claim 4 has been canceled rendering this rejection moot regarding claim 4. Claims 7 and 8 depend directly or indirectly from claim 1 and are not anticipated by Mueller for at least the reasons described above with respect to claim 1.

Claims 1, 2, and 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by Vannan et al. Applicant traverses this rejection because Vannan is non-analogous art and fails to teach all the elements of the claims. Vannan is directed to a subassembly for a tubeless pneumatic tire, which cannot be considered analogous to a process for forming a thinned joint between a polymeric balloon and a polymeric catheter shaft. Therefore, Vannan is not related to the Applicant’s field of endeavor, and is not reasonably pertinent to the particular problems being solved by Applicant’s invention. *In re Oetiker*, 977 F.2d 1443, MPEP 2141.01(a).

Even if Vannan were considered to be analogous art, which view Applicant does not accept, then the rejection is still improper because the reference fails to teach all the elements of the claims. Vannan fails to teach at least a process for forming a joint between a polymeric balloon and a polymeric catheter shaft as now required in claim 1. Claim 2 has been canceled rendering this rejection moot regarding claim 2. Claim 6 depends directly from claim 1 and is patentable for at least the same reasons that claim 1 is patentable. In view of the above arguments, Applicant requests that the rejections under 35 U.S.C. §102 be withdrawn.

35 U.S.C. §103 Rejections


Claims 1, 2, 7, and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative under 35 U.S.C. §103(a) as obvious over NL 6814117. The Examiner has stated:

Although the abstract is silent as to the joint region being thinned by the tensile force, the abstract and a preliminary translation of page 3, lines 15-29 teach the films to be stretched. Stretched films will inherently be thinned.

Applicant traverses this rejection on the grounds that NL 6814117 is non-analogous art and fails to anticipate, or to render obvious, all elements of the claimed process. NL 6814117 is directed to a method of joining plastic films without a loss of orientation, or a loss in strength, in the joint area. NL 6814117 cannot be considered analogous to, and fails to teach a process for forming a joint between a polymeric balloon and a polymeric catheter shaft resulting in thinning of the joint region, as now required in claim 1, in part. Therefore, NL 6814117 is not related to the Applicant's field of endeavor, is not reasonably pertinent to the particular problems being solved by Applicant's invention, and cannot anticipate, or render obvious claim 1.

Applicant respectfully disagrees with the Examiner's characterization of NL 6814117 and with the conclusion reached via inherency. According to the following preliminary translation, the section of NL 6814117 cited by the Examiner first describes keeping the films ("counterfoils") under light tension.

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Babel Fish Translation 

In English:



the counterfoils are kept under a light tension.

Search the web with this text


Translate again - Enter up to 150 words

de stroken worden onder een lichte spanning
gehouden.

Use the World Keyboard to enter accented or Cyrillic characters.

Dutch to English  

Next, the cited text appears to teach stretching the heated, weak joint only with the above-referenced "light tension" while the joint is allowed to cool (preliminary translation below).

Babel Fish Translation 

In English:


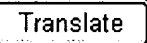
The thus formed, weak connection is stretched and the tension is maintained after complete air has been eliminated and to the connection has cooled down.

Search the web with this text

Translate again - Enter up to 150 words

De aldus gevormde, weke verbinding wordt
gestrekt en de spanning wordt gehandhaafd
nadat de here lucht is uitgeschakeld en tot de
verbinding is afgekoeld.

Use the World Keyboard to enter accented or Cyrillic characters.

Dutch to English  

Thus, NL 6814117 fails to teach the use of sufficient stretching force to thin a plastic joint. The instant Application points out that “the region of the welded joint tends to swell relative to the rest of the catheter shaft (¶ 003).” Thus, an appropriate characterization of NL 6814117 is that the “light tension” is too weak to thin the joint and rather, merely prevents swelling, or maintains continuous thickness of the joint, as illustrated in FIG. 1 of NL 6814117. In other words, merely teaching the stretching of a plastic joint during heating does not necessarily or inherently teach thinning of the joint. Claim 2 has been canceled rendering this rejection moot regarding claim 2. Claims 7 and 8 depend directly or indirectly from claim 1 and are patentable over NL 6814117 for at least the reasons discussed regarding claim 1.

Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over NL 6814117. Claim 3 depends from claim 1 and is patentable over NL 6814117 for at least the reasons discussed above regarding claim 1.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Mueller, Jr. in view of NL 6814117. Claim 5 now depends from claim 1 and is patentable over NL 6814117 for at least the reasons discussed above regarding claim 1.


In view of the above arguments, Applicant requests that the rejections under 35 U.S.C. §103 be withdrawn.

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Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (978) 739-3075 (EDT).

Respectfully submitted,



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